



# புதுச்சேரி மாநில அரசிதழ்

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**GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT**

(G.O. Rt. No. 35/AIL/Lab./T/2020,  
Puducherry, dated 4th March 2020)

**NOTIFICATION**

Whereas, an Award in I.D (T) No. 13/2012, dated 30-10-2019 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. Regency Ceramics Limited, Yanam and M/s. Regma Packaging (P) Limited, Yanam and Regency Ceramics Officers and Workers Union, Yanam, over lock out has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**S. MOUTTOULINGAM,**  
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL -CUM-  
LABOUR COURT AT PUDUCHERRY**

Present: Thiru V. PANDIARAJ, B.SC.,L.L.M.,  
Presiding Officer.

Wednesday, the 30th day of October 2019.

**I.D. (T) No. 13/2012**

The President/Secretary,  
Regency Ceramics Officers and  
Workers Union,  
D. No. 2-9-047,  
Tota Street, Yanam.

. . Petitioner

*Versus*

1. The Managing Director,  
Regency Ceramics Limited,  
Yanam.
2. The Managing Director,  
M/s. Regma Packaging (P) Limited,  
Yanam.

. . Respondent

This industrial dispute coming on this day before me for final hearing in the presence of Thiru D. Nageshwara Rao, Advocate for the petitioner and Thiru L. Sathish. Advocate for the respondent, up on hearing both sides and up on perusing the case records, this Court passed the following:

**AWARD**

1. This Industrial Dispute has been referred by the Government of Puducherry as per the G.O. Rt. No. 101/AIL/Lab./J/2012, dated 07-06-2012 of the Labour Department, Puducherry, for adjudicating the following:-

(i) Whether the dispute raised by the workers of Regency Ceramic Limited and Regma Packaging (P) Limited, Yanam, represented by Regency Ceramics Officers and Workers Union against the management of M/s. Regency Ceramics Limited, Yanam and M/s. Regma Packaging (P) Limited, Yanam, regarding the lock out declared by the management is illegal is justified? If justified, what relief the petitioner workmen are entitled to?

(ii) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. It is to be decided that whether the industrial dispute raised by workers of Regency Ceramic Limited and Regma Packaging (P) Limited, Yanam, represented by Regency Ceramics Officers and Workers Union against the management of M/s. Regency Ceramics Limited, Yanam and M/s. Regma Packaging (P) Limited, Yanam, regarding the lock out declared by the management is illegal is justified are not.

3. *Brief averments of the petition:*

The first respondent is a Public Limited Company and the 2nd respondent is subsidiary unit. The first respondent has its branch at Karaikal also. The members in the trade union are the employees in the 1st and 2nd respondent company. The 1st respondent has attempted to prevent the formation of trade union from the year 1989 itself. However, in the year January 2011 the members of the trade union attempted to form a new trade union, knowing the abovesaid facts, the 1st respondent has transferred 9 Office Bearers from Yanam to Karaikal manufacturing unit. It was opposed by the other employees. In this regard, conciliation meeting was held before the Conciliation Officer on 21-01-2011 and subsequently on 24-01-2011. However, it ends in vain due to non cooperation by the respondent management.

4. In the mean while the trade union has got its registration on 25-01-2011. The respondent management has adopted so many unfair labour practices against the employees of the company. It has not provide bonus and salary increment, it has extracted work from the employees for more than statutory hours, it has acted in a *mala fide* manner and threatened the Office Bearers.

It has also tried to make divisions among the employees. In the meanwhile, the trade union has submitted a request on 18-04-2011 seeking permission to celebrate the May day celebrations. The management has granted its permission *vide* its notice, dated 24-01-2012 and it has declared 01-05-2011 as paid holiday. Thereafter, the May day celebrations were successfully celebrated by the trade union with its members in a private place which is 200 meters away from the factory. Knowing the abovesaid facts of grand success of May day celebrations, the respondent has sent a telegram on 02-05-2011 to the Unions with false allegations that its member had deliberately absent from attending the work on 01-05-2011. Thereafter, the management started to take revenging actions against the workers. As the first instance, it has dismissed 49 women workers and 9 men workers, totaling 54 workers in a single stroke against the provision of the Industrial Dispute Act. The above action of dismissal was shown with a intention to threaten the workers who joined in the trade union. Furthermore, the abovesaid action of dismissal was taken as a measure to eradicate the union as if, it had done during 1989.

5. However, the trade union has filed a representation before the Assistant Labour Inspector, Yanam, against the illegal termination of 54 workers. Thereafter, the Conciliation ends in vain and the industrial dispute is in pending before this Court. In the mean while, during May 2011, the trade union has filed a charter of demands before the respondent management. The management refuses to attend the same it has not made any initiative steps for talks. Therefore, the trade union took the matter before the Assistant Labour Inspector, for conciliation. At this juncture, the management refused to attend the conciliation proceedings whereas, it has filed Writ Petition against the trade union and get injunction order. Thereafter, the injunction order was lifted during January 2012. Therefore, again the trade union has filed charter of demand before the management during August 2012. The management did not respond it. Therefore, again the trade union approached the Conciliation Officer with the request of increment in pay and equal bonus like that of Karaikal unit. The management failed to consider the same.

6. Furthermore, the management gave a false assurance if, production was increased then it can consider the request made by the trade union. Though the production activities were increased, the management failed to comply its assurance. Thereafter, the management tried to threaten the workers by saying that they will ruin their future. To create the fear among

the workers the respondent management has suspended the Office Bearers during the month of December 2011. Furthermore, it has not allowed the workers to enter into the premises and it has not allotted any work to the workers which resulted in keeping idle in the work premises by all the workers. This practices of keeping idle which began during December 2011 continued till 02-01-2012. The management failed to pay the December 2011 salary to the workers. Furthermore, the management imposed the condition to its workers that they have to sign an undertaking which is illegal. All the 700 permanent workers refused to sign it. Therefore, the management has directed its security people to allow those workers who have signed the undertaking and it has also directed the security people not to allow other workers, who failed to sign in the undertaking.

7. In this regard, the trade union has made a representation before the Assistant Labour Inspector on 05-01-2012. In these circumstances, in order to protect their interests, the members of the trade union resorted to sit in campaign against the unfair labour practices at the out skirts of Yanam town. While so, on 27-01-2012 the Yanam Police at the inducement of respondent management come to spot and stood in campaign and suddenly swooped Mr. M.S. Murali Mohan in a Jeep to the Police Station and beaten him with black and blue. under the inducement of the management and as such he collapsed in the Police Station itself. Subsequently, the violence erupted in the Regency factory area and in some other place of the management. An unknown furious mob attacked the president of the factory by name Mr. K.G. Chandra Shekar and he succumbed to the injuries. This untoward incidents occurred immediately after the union founder succumbed to death. Members of the furious mob involved in the violence were not known to the workers and no one know from where they have came and indulged in such activity in the violence, except the lives of the persons nothing had happen and no damage has happened to the respondent factory or its machinery.

8. In this situation, the management has declared the lock out of the 1st respondent management on 31-01-2012 and lock out of the 2nd respondent was declared on 02-02-2012 without any notice. The lock out declared by the management is illegal. The management has falsely issued a lock out notice. The allegations of non-cooperation, illegal strike, loss of production, destruction of machinery are all false. These things has happened only due to the non-payment of salary for the month of December 2011 and January 2012. The non-cooperation to the workers by the management is

also a cause for abovesaid instance. The petitioner trade union has made a representation before the Labour Authorities during March 2012, denying all the allegations of the respondent management.

9. The respondent management failed to attend the Conciliation Proceedings which resulted in the failure of Conciliation Proceedings during April 2012. Hence, the declaration of lock out by the management has to be declared as illegal and unjustifiable. However, the respondent management has to be directed to reopen the factory without causing any injustice to all the workmen by directing them to pay all the legal monetary benefits, hence, this petition has to be allowed.

10. *Brief of the counter averments:*

All the allegations levelled against the respondents were denied as false except those are specifically admitted hereunder. The petitioner Union has deliberately suppressed their Criminal Act of destroying the respondent factory. The petitioner Union hired rowdies and professional criminals to bring down the entire activities of the factories and caused damages to the tune of ₹ 224.77 crores to ashes. The first respondent has established its unit in Yanam region in the year 1983. It has made very modest output of 15,000 sq. mtr. per day in the field of ceramic floor, wall and industrial tiles manufacturing. The factory has three rotational shifts and one general shift.

11. In the year 1982 the 2nd respondent unit was established at Yanam, in the field of manufacturing corrugated cotton boxes for the purpose of packing the ceramic tiles manufactured in the 1st respondent. In the year 1999, the 1st respondent had expanded its business by making production from 15,000 sq. mtr. to 36,000 sq. mtr. per day. It has provided best possible working conditions to its workers with best salary package and it has provided healthy working atmosphere also. It has offered various welfare measure to its workers, such as, bonus, gratuity, supplying subsidized food, snacks, beverages, free education for children of workmen in School and in Junior College, Medical, Accident and Life Insurance also. Women workers were provided with gold ornaments, cash, and rice at the time of their marriage.

12. During January 2011, a handful of workmen nurtured a grievance and wanted to precipitate a confrontation. With the support of a sitting Member of Parliament of the nearby constituency the petitioner Union was formed. Right from the beginning the Office Bearers have confrontation with the management,

at the time of the dealings with the management. On 17-08-2011 the trade union has filed a charter of demands with unrealistic and impractical claims and threatened that they will adhere to indefinite strike. While the negotiation was in progress, the employee by name, Mr. M. Murali Mohan was dismissed from his service for the proven misconduct of theft. But, the trade union has resorted to demonstrations, go-slow, sabotage and *etc.*, and demanded to reemploy the abovesaid Mr. Murali Mohan. The negotiation was conducted on 16-09-2011 in this regard.

13. On 05-12-2011, a section of workers resorted to strike, demonstration, gherao, sabotage, slogan shouting and *etc.*, at the insistence of provoked employees. They damaged some of the machineries and the conveyor belt. Disciplinary action was taken against the 5 workmen and they were placed under suspension. In this regard various negotiations were held between the management and the Union in the presence of the Administrator of Yanam. Even then, the trade union has not cooperated and it has continued its belligerent attitude of deliberate stay in strike, go-slow, sabotage and *etc.* Warning notice were issued by the management in the notice-board from 18-12-2011 to 27-2-2011. In this regard, a meeting was fixed by the Labour Commissioner on 22-12-2011. While the discussion was on the charter of demands in the meeting, the union representatives insisted about the revocation of 5 suspended workmen. The management did not heed to such request, and therefore, the trade union once again engaged in their belligerent activities against the management. They prevented the willing workers from resuming duty and they have prevented the movement of goods from the factory. On 02-01-2012, the first respondent requested the agitating workers to sign in an undertaking, that they will maintain peace while attending the work, but, the members of the trade union were adamant and they have not complied the same. On 24-01-2012, a modified undertaking was prepared in the presence of the Yanam Administrator and the first respondent agreed to discuss all the other issues by March 2012. Even then, the workmen were adamant on the issue of suspension of 5 employees from the factory. Further, they demanded the reinstatement of Mr. Murali Mohan also. Therefore, the respondent management approached the Hon'ble High Court by filing a Civil Suit in C.S. No. 93/2011 and obtained favourable orders. Even then, the petitioner Union did not respond to it. On 25-01-2012, a meeting was held with the Administrator of Yanam. At that time also, the trade union demanded for reinstatement of Murali Mohan and the meeting ended in failure as no understanding was arrived at.

14. Due to that the trade union and its members planned to go to more aggressive form of action against the management by resorting to physical violence against the office and its Office Bearers and against the workmen who were willing to work. On 27-01-2012, at about 07.30 a.m., a group of workmen along with the Office Bearers of the Union and some unidentified people assembled in front of the main gate of the factory near Buddha Park and prevented the willing workmen against the orders of the Hon'ble High Court in IA. No. 5697/2011 in C.S. No. 93/2011. The Police got information and came there and took up a group of persons to the Police Station. At that time, the dismissed workman Murali Mohan and 30 other persons went to the Police Station and resorted to Dharna inside the Police Station. At that time, Mr. Murali Mohan had made a complaint of chest pain, but, the workman surrounding him did not allow the Police to take him to the hospital, which resulted in collapse of Mr. Murali Mohan. On hearing the death of Mr. Murali Mohan, the striking workman attacked the Police Station and the Police personnel. Simultaneously, the other group of workman proceeded to the house of the first respondent's president Mr. K.C. Chandrasekar and mercilessly beat him with iron rods, which resulted in his death. Further, the workman also went to the houses of various Office Bearers, attacked them physically and damaged the valuable house hold belongings to them. They caused damage to the ceramic factory, Regency Glazes Ltd.-I, Regency Glazes Ltd. - II, Regma Paper Products and also Regency Transport Carriers Ltd. They caused extensive damages to the properties of the -School, Junior College and the College of Education.

15. They caused extensive damage to the factory building, machinery, equipments, fitting, pipelines electrical installations and every other consumer items to the tune of ₹ 170.14 crores. The respondent has to incur a sum of ₹ 200 crores for its resumption to its normality. The respondent had submitted a claim for ₹160.46 crores from the Insurance Company, but, it has not given a fruitful result. Therefore, the respondents were forced to declare lock out with effect from 31-01-2012 as a reaction to such brutal destruction to life, limb and properties of the respondent management.

16. Thereafter, the Government of Puducherry issued G.O. on 10-04-2013 declaring that the lock out as illegal and directed this respondent to lift the lock out. The respondent has filed a Writ Petitions against the G.O. of Government of Puducherry in Writ Petition No.12613/2013 and 12614/2013. The Hon'ble High Court is directed

to form an Expert Committee and sought for its report. The Committee has filed its report, dated 06-06-2015 wherein, it has listed the extensive damage caused to the respondent factory, buildings, machineries, equipments, raw materials, finished goods and *etc.* It has clearly opined that the factories of the respondent is beyond repair and based on the report the G.O., dated 10-04-2013 issued by the Government of Puducherry was squashed by the Hon'ble High Court, Madras. The respondent suffered a massive jolt and irreparable loss. It has lost its Dynamic Personality/President/Key Administrator Mr. K.C. Chandrasekar, who was near and dear to the Managing Director of the respondent.

17. The management has completely lost his financial backbone due to extensive and unimaginable destructions of its property beyond any scope for repair/reconstruction or renovation. The company has lost its valuable clients. It was unable to pay its financial liability borrowed from the Banks to the tune of ₹ 113.02 crores. It has lost his business. It has lost his Educational Institutions with the damage, to tune of ₹ 1.5 crores in the arson and looting on 27-01-2012. It has lost its goodwill and reputation in the market. It was impossible for the respondent to even think of restart its units. It is impossible to restart its units, unless the Insurance Companies and the Government side subsidies were given to its expectations.

18. The respondent has taken out the decision of lock out only due to the massive violence and brutal attack to the factory and it is not illegal and it is the legally, ethically and morally justifiable steps taken by the respondent. Unless, the closure is announced on 31-01-2012 there may not any safeguard to further loss of life, limb and properties. The grim situation still in existence in and around of the factory. There is no scope for repairs, reconstructions and renovations of any kind of production activities. The respondent has not acted against the Industrial rules and regulations. The Act of the respondent is fully justifiable and not against the Industrial Dispute Act. The respondent is ready to provide a reasonable compensation to its workers as per the relevant provisions of law and held in serious of negotiations with the workers individually and in group. As many as 312 staffs and workers received their full and final settlement amount after submitting their resignations before the first respondent. Similarly, 18 staff and workers received their full and final settlement amount after submitting their resignations before the second respondent. Since, the lock out declared by the respondents are perfectly legal, this petition has to be dismissed as the petitioners are not entitled for any relief.

19. In the course of the enquiry PW.1 was examined and Ex.P1 to Ex.P10 was marked. PW.1 has deposed in his chief examination in support of their claim statement and the case stand pending for cross of PW1. At this stage, the abovesaid industrial dispute was dismissed for non-prosecution on 13-11-2017. Thereafter, it has been restored as per the order in I.A. No. 50/2018 on 30-10-2019. While the case stands posted for cross of PW1 the counsel for both parties represented that the entire matter is likely to be settled and on that representation, the abovesaid case was adjourned periodically. On 30-10-2019 both parties have jointly filed the joint compromise memo along with the copy of settlement under section 12(3) of the Industrial Disputes Act, dated 24-10-2019. On perusal of the abovesaid settlement, this Court has found that both parties have mutually agreed for the terms of settlement and they have signed the terms of settlement with their full consent in the presence of the Labour Commissioner at Puducherry in the Conciliation Proceedings.

20. As per the terms of settlement the trade union has agreed to withdraw of the four cases *vide* I.D. Nos. 11/2012, 12/2012, 13/2012 and 14/2012 which is pending before this Tribunal. Both parties have agreed, not to raise any dispute with respect to each other. Furthermore, the members of the trade union in the list of Annexure-I have agreed to get the plot allotted to them as per MOU, dated 31-05-2019. The terms of settlement shows that the Industrial Dispute raised between the parties have been peacefully and amicably settled and therefore, this Court found that there is no need to proceed further in this regard in this Industrial Dispute. Hence, the abovesaid settlement under section 12(3) dated 30-10-2019 along with its Annexure-I were received by this Tribunal and as per the tripartite settlement made between the parties before the Labour Commissioner-cum-Chief Conciliation Officer, Puducherry, this reference is closed.

21. In the result, this reference is closed as per the terms of settlement under section 12(3) of the Industrial Dispute Act, dated 31-10-2019. No cost.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this 30th day of October, 2019.

**V. PANDIARAJ,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

*List of petitioner's witness:*

PW.1 — 23-08-2017 A.V.V. Sathyanarayanan

*List of petitioner's exhibits:*

- Ex.P1 — 31-01-2012 Copy of the notice of the lock out of Regency Ceramics Limited, Yanam.
- Ex.P2 — 02-02-2012 Copy of the notice of the lock out of Regma Packaging (P) Limited, Yanam.
- Ex.P3 — 25-01-2011 Covering letter of Registered Trade Union, along with copy of Certificate.
- Ex.P4 — Representation of petitioners Union submitted AIL, Yanam.
- Ex.P5 — 12-12-2012 Copy of Conciliation notice issued by the Commissioner of Labour.
- Ex.P6 — 10-12-2011 Representation of the petitioner Union submitted to the R.A.O., Yanam.
- Ex.P7 — 17-08-2011 Representation of the petitioner Union submitted on charter of demands to respondent.
- Ex.P8 — 03-01-2012 Representation of the petitioner Union submitted to the Commissioner of Labour.
- Ex.P9 — 09-01-2012 Representation of the petitioner Union submitted to R.A.O., Yanam.
- Ex.P10 — 09-05-2012 Representation submitted to Secretary of Labour by AIL, Yanam.
- Ex.P11 — 07-06-2012 Reference of Notice.

*List of respondent's witnesses: Nil*

*List of respondent's exhibits: Nil*

**V. PANDIARAJ,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.